

# Exhibit A

**From:** [Letourneau, Keith](#)  
**To:** [Longstreth, John](#)  
**Cc:** [Holloway, Tre A.](#); [Petronio, Beth W.](#); [cassandra.m.snyder@usdoj.gov](mailto:cassandra.m.snyder@usdoj.gov); [bduke@winston.com](mailto:bduke@winston.com); [Papavizas, Charlie - EXTERNAL](#); [jbrightbill@winston.com](mailto:jbrightbill@winston.com); [mwoodrum@winston.com](mailto:mwoodrum@winston.com); [Ruge, Mark](#)  
**Subject:** RE: Great Lakes Dredge & Dock Company, LLC v. Magnus et al; C.A. No. 4:22-CV--2481  
**Date:** Friday, July 7, 2023 12:24:02 PM

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**External Sender:**

Thanks for getting back to us, John.

Keith

**Keith B. Letourneau** | BLANKROME

717 Texas Avenue | Suite 1400 | Houston, TX 77002

O: 713.632.8609 | C: 713.398.8129 | F: 713.228.6605 | [kletourneau@blankrome.com](mailto:kletourneau@blankrome.com)

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**From:** Longstreth, John <[john.longstreth@klgates.com](mailto:john.longstreth@klgates.com)>  
**Sent:** Friday, July 7, 2023 11:18 AM  
**To:** Letourneau, Keith <[keith.letourneau@blankrome.com](mailto:keith.letourneau@blankrome.com)>  
**Cc:** Holloway, Tre A. <[Tre.Holloway@klgates.com](mailto:Tre.Holloway@klgates.com)>; Petronio, Beth W. <[beth.petronio@klgates.com](mailto:beth.petronio@klgates.com)>; [cassandra.m.snyder@usdoj.gov](mailto:cassandra.m.snyder@usdoj.gov); [bduke@winston.com](mailto:bduke@winston.com); Papavizas, Charlie -EXTERNAL <[cpapavizas@winston.com](mailto:cpapavizas@winston.com)>; [jbrightbill@winston.com](mailto:jbrightbill@winston.com); [mwoodrum@winston.com](mailto:mwoodrum@winston.com); Ruge, Mark <[mark.ruge@klgates.com](mailto:mark.ruge@klgates.com)>  
**Subject:** Re: Great Lakes Dredge & Dock Company, LLC v. Magnus et al; C.A. No. 4:22-CV--2481

Sorry for the delay in getting back to you

Given that the delay in advising of your intended participation appears to be without cause, and that you've stated you'll be presenting matters irrelevant to the statutory construction issue before the court, we do not consent.

John Longstreth  
202 253 3435

On Jul 7, 2023, at 11:53, Letourneau, Keith <[keith.letourneau@blankrome.com](mailto:keith.letourneau@blankrome.com)> wrote:

Hi, John,

Any feedback on our request? Thanks,

Keith

**Keith B. Letourneau** | BLANKROME

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**From:** Letourneau, Keith

**Sent:** Thursday, July 6, 2023 8:57 AM

**To:** Longstreth, John <[john.longstreth@klgates.com](mailto:john.longstreth@klgates.com)>; Holloway, Tre A. <[Tre.Holloway@klgates.com](mailto:Tre.Holloway@klgates.com)>; Petronio, Beth W. <[beth.petronio@klgates.com](mailto:beth.petronio@klgates.com)>; [cassandra.m.snyder@usdoj.gov](mailto:cassandra.m.snyder@usdoj.gov); [bduke@winston.com](mailto:bduke@winston.com); Papavizas, Charlie -EXTERNAL <[cpapavizas@winston.com](mailto:cpapavizas@winston.com)>; [jbrightbill@winston.com](mailto:jbrightbill@winston.com); [mwoodrum@winston.com](mailto:mwoodrum@winston.com)

**Cc:** Ruge, Mark <[mark.ruge@klgates.com](mailto:mark.ruge@klgates.com)>

**Subject:** RE: Great Lakes Dredge & Dock Company, LLC v. Magnus et al; C.A. No. 4:22-CV--2481

Good morning, John,

Please see our responses in blue to the questions you posed below.

Regards,

Keith

**Keith B. Letourneau** | BLANKROME

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**From:** Longstreth, John <[john.longstreth@klgates.com](mailto:john.longstreth@klgates.com)>

**Sent:** Wednesday, July 5, 2023 5:04 PM

**To:** Letourneau, Keith <[keith.letourneau@blankrome.com](mailto:keith.letourneau@blankrome.com)>; Holloway, Tre A. <[Tre.Holloway@klgates.com](mailto:Tre.Holloway@klgates.com)>; Petronio, Beth W. <[beth.petronio@klgates.com](mailto:beth.petronio@klgates.com)>; [cassandra.m.snyder@usdoj.gov](mailto:cassandra.m.snyder@usdoj.gov); [bduke@winston.com](mailto:bduke@winston.com); Papavizas, Charlie -EXTERNAL <[cpapavizas@winston.com](mailto:cpapavizas@winston.com)>; [jbrightbill@winston.com](mailto:jbrightbill@winston.com); [mwoodrum@winston.com](mailto:mwoodrum@winston.com)

**Cc:** Ruge, Mark <[mark.ruge@klgates.com](mailto:mark.ruge@klgates.com)>

**Subject:** RE: Great Lakes Dredge & Dock Company, LLC v. Magnus et al; C.A. No. 4:22-CV--2481

Thanks for your inquiry, which you have clarified as seeking consent to a motion for leave to file as an amicus. We've been involved as amici in district courts in Texas, and understand that parties are generally cooperative in allowing such participation. We would like to be in this case as well, but your request raises several concerns.

The most obvious concern is as to timing, given that we are well into a briefing schedule that has been set for many months in a case pending almost a year. Was there something that prevented ACPA from advising earlier of its desire to participate? When would you be planning to file?

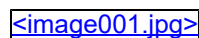
Understand concern on timing. ACP has been following this case closely throughout the litigation and it was only recently when ACP's members decided they wanted to participate. Given the fact that Motions for Summary Judgement have been filed, ACP plans to file the amicus brief tomorrow.

Also, we already have an intervenor, and given the nature of an APA action where the parties are limited on the merits to the matters relied on by the agency in its decision, we are not sure what matters you would intend to cover that are not already addressed by the parties. Can you give some idea? If you seek to address additional matters, how do you see that fitting into a briefing schedule where the parties are already preparing reply briefs?

As to matters not covered by the other parties, ACP intends to discuss the impacts that the outcome of this case could have on its members.

Please let us know if you are able to offer any consideration of our concerns.

Given that ACP intends to file tomorrow (Friday) we would greatly appreciate your consideration of this and letting us know later today (if possible) of your decision so we can include it in our motion to the court.



**John Longstreth**  
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**From:** Letourneau, Keith <[keith.letourneau@blankrome.com](mailto:keith.letourneau@blankrome.com)>

**Sent:** Wednesday, July 5, 2023 11:23 AM

**To:** Longstreth, John <[john.longstreth@klgates.com](mailto:john.longstreth@klgates.com)>; Holloway, Tre A.

<[Tre.Holloway@klgates.com](mailto:Tre.Holloway@klgates.com)>; Petronio, Beth W. <[beth.petronio@klgates.com](mailto:beth.petronio@klgates.com)>;

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**Subject:** Great Lakes Dredge & Dock Company, LLC v. Magnus et al; C.A. No. 4:22-CV-2481

Good morning, Counsel,

We are outside maritime counsel for the American Clean Power Association and intend to file a motion to intervene for the purpose of filing an *amicus* brief in support of Defendants' summary judgment motions. For certificate of conference purposes, would you please advise whether your principals will consent or are opposed? Thanks, and

Regards,

Keith

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